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ROBBINS & ASSOCIATES
Attorneys at Law
A Law Corporation

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Attorneys for Defendants
HAWAII PACIFIC HEALTH;
KAPOLANI MEDICAL SPECIALISTS;
AND KAPOLANI MEDICAL CENTER
FOR WOMEN AND CHILDREN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HAWAII CHILDREN'S BLOOD AND	)	CIVIL NO. CV03-00708 SOM-LEK
CANCER GROUP,	)	(Other Civil Action)
)	
Plaintiff,	)	DEFENDANTS HAWAII PACIFIC
	)	HEALTH, KAPOLANI MEDICAL

vs.	) SPECIALISTS AND KAPIOLANI
	) MEDICAL CENTER FOR
HAWAII PACIFIC HEALTH;	) WOMEN AND CHILDREN'S
KAPIOLANI MEDICAL	) PRETRIAL STATEMENT;
SPECIALISTS; KAPIOLANI	) CERTIFICATE OF SERVICE
MEDICAL CENTER FOR)
WOMEN AND CHILDREN,	) <u>HEARING</u>
	) DATE: 9/5/06
Defendants.	) TIME: 2:00 P.M.
	) JUDGE: LESLIE E. KOBAYASHI
)
	) TRIAL: 10/3/06
	) JUDGE: SUSAN OKI MOLLWAY
)

DEFENDANTS HAWAII PACIFIC HEALTH, KAPIOLANI
MEDICAL SPECIALISTS AND KAPIOLANI MEDICAL CENTER
FOR WOMEN AND CHILDREN'S PRETRIAL STATEMENT

COME NOW Defendants Hawai'i Pacific Health, Kapi'olani Medical Specialists and Kapi'olani Medical Center for Women and Children (collectively Defendants), by and through their attorneys, Robbins & Associates, and pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.6 of the United States District Court for the District of Hawaii, submits its Pretrial Statement.

1. PARTY

Hawai'i Pacific Health ("HPH") is a Hawaii nonprofit corporation involved in providing public health care services to the Hawaii public.

Kapiolani Medical Specialists ("KMS") is a Hawaii nonprofit corporation located at 1319 Punahou Street in Honolulu.

Kapiolani Medical Center for Women and Children (“KMCWC”) is a Hawaii nonprofit corporation located at 1319 Punahou Street in Honolulu, and operates a hospital providing health care services to the public.

2. JURISDICTION AND VENUE

Jurisdiction and venue, if properly established, may exist under Sections 1 and 2 of the Sherman Act; 15 U.S.C. §§ 1, 2, 15, and 26; Sections 4 and 16 of the Clayton Act; 28 U.S.C. §§ 1331, 1337, and 1367; and 28 U.S.C. § 1391.

3. SUBSTANCE OF ACTION

This lawsuit arises out of alleged anti-trust claims and False Advertising injuries sustained by Plaintiff Hawaii Children’s Blood and Cancer Group (“HCBCG”), an unincorporated medical group. Plaintiff HCBCG is comprised of two hematology and oncology physicians, Kelley Woodruff, M.D. and Robert Wilkinson, M.D., who possess full medical staff privileges at Kapiolani Medical Center for Women and Children.

Dr. Woodruff’s employment with KMS was terminated for billing infractions reported to the Office of Inspector General of the Department of Health and Human Services (“OIG”). Her hospital privileges at Defendants’ facilities were, thereafter, summarily suspended.

Subsequent to the termination of Dr. Woodruff’s employment with KMS, she filed a related lawsuit in the Circuit Court of the First Circuit with the

Honorable Dexter Del Rosario, presiding. See Civil No. 02-1-0090-1 DDD. The Complaint involved monopoly/antitrust, employment, defamation, tortious interference with contractual relations, and prima facie tort claims against Defendants.

During ongoing mediation attempts to resolve discovery issues in the state case, Dr. Woodruff's counsel filed a complaint in federal court on December 29, 2003 on behalf of Plaintiff HCBCG. The allegations contained in the complaint are similar in scope to those alleged in the related State case: monopolization (Count I); refusal to deal (Count II); attempt to monopolize (Count III); and false and misleading advertising (defamation) (Count IV).

Plaintiffs allege that Defendants interfered and diverted new patient referrals away from the HCBCG physicians causing HCBCG's market share to fall below the requisite amount to sustain its clinical pediatric hem-onc services.

4. UNDISPUTED FACTS

None.

5. DISPUTED FACTUAL ISSUES

All remaining factual issues are in dispute.

6. RELIEF PRAYED

Plaintiffs seek:

(a) an Order, pursuant to 15 U.S.C. § 26, requiring Defendants to offer all existing and new patients the option of receiving their care from a team that

includes Plaintiff's physicians and any board-certified pediatric hem-onc clinical physicians Defendants have under contract or in their employ, and to remit a stipend to \$20,000 monthly to Plaintiff for its physicians' participation in "Team Care"; and appointing a special master to monitor Defendants' compliance with the injunction for 3 years. Defendants shall be entitled to bill third party payors for all physicians services Plaintiff's physicians provide to "Team Care" patients;

(b) that this Court adjudge and decree that Defendants and co-conspirators have entered into unlawful contracts, combinations, or conspiracies which unreasonably restrain trade in interstate commerce, in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1;

(c) that this Court adjudge and decree that Defendants have unlawfully acquired or attempted to acquire and maintain a monopoly in the market for pediatric hem-onc physician services, constituting violations of Section 2 of the Sherman Act, 15 U.S.C. § 2; and

(d) special and general damages; and

(e) treble damages pursuant to 15 U.S.C. § 15(a).

7. POINTS OF LAW

Defendants deny any wrongdoing and maintain that at all times relevant herein Defendants were not in violation of either the Sherman or Clayton Acts as set

forth in 15 U.S.C. §§ 1, 2, 15, and 26; and 28 U.S.C. §§ 1331, 1337, and 1367, and 1391.

8. PREVIOUS MOTIONS

Defendants filed the following motions:

(a) Motion to Dismiss, or in the Alternative, To Stay Proceedings Pending Resolution of the Concurrent State of Hawaii Circuit Court Case;

(b) Renewed Motion to Dismiss, or in the Alternative, To Stay Proceedings Pending Resolution of the Concurrent State of Hawaii Circuit Court Case, or to Continue Trial; and

(c) Motion to Modify Amended Rule 16 Scheduling Order.

9. WITNESSES TO BE CALLED

It is anticipated that the expert and lay witnesses from the Circuit Court matter will be called to testify in this federal case and the identities are set forth as follows:

Expert Witnesses:

- | | |
|---|---|
| 1. Dennis M. Warren, Esq.
c/o John S. Nishimoto, Esq.
Ayabe, Chong, Nishimoto,
Sia & Nakamura
2500 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813 | Defendant; expected to testify as to liability and damages. |
|---|---|

2. Lawrence Wu, Ph.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813

Dr. Wu is an economist who will testify with respect to monopoly and antitrust issues. Dr Wu will testify as to why Plaintiffs' claims in these areas fail.

Lay Witnesses:

1. Cindy Ackerman
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
2. Mark Albers
c/o Watanabe Ing & Komeiji
First Hawaiian Center
23rd Floor
999 Bishop Street
Honolulu, Hawaii 96813
3. Vernon Azuma, M.D.
c/o Stanley M. Chow, Esq.
Char Hamilton Campbell & Thom
Pacific Guardian Center
2100 Mauka Tower
737 Bishop Street
Honolulu, Hawaii 96813
4. Richard Banner, M.D.
c/o Edward C. Kemper, Esq.
Kemper & Watts
Alakea Corporate Tower
1100 Alakea Street
Suite 2400
Honolulu, Hawaii 96813
5. Bruce Behnke
(Address Unknown)

Receptionist; expected to testify as to liability.

Deloitte & Touche Investigator; expected to testify as to liability.

Medical Executive Committee; expected to testify as to liability.

Medical Director, AlohaCare; expected to testify as to liability.

Expected to testify as to liability.

6. Kenneth Blickenstaff
c/o Watanabe Ing & Komeiji
First Hawaiian Center
23nd Floor
999 Bishop Street
Honolulu, Hawaii 96813
Deloitte & Touche Investigator;
expected to testify as to liability.
7. Laura Bonilla
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Clinical Service Line Director,
Pediatrics
Kapi'olani Medical Center for
Women and Children; expected
to testify as to liability.
8. Tammy Breeden
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Receptionist; expected to testify
as to liability.
9. Bridgette Bourdoux, parent
of Kai Wilkinson
67-167 Kanoena Street
Waialua, Hawaii 96791
Expected to testify as to liability.
10. Rodney Boychuk, M.D.
c/o Stanley M. Chow, Esq.
Char Hamilton Campbell & Thom
Pacific Guardian Center
2100 Mauka Tower
737 Bishop Street
Honolulu, Hawaii 96813
Expected to testify as to liability.
11. Henny Breen, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
12. Allen Britten, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.

13. Norella Brooks, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
14. Rose Mary Bucher
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
15. Dennis Buenavista, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
16. Ed Cadman
(Address Unknown)
Expected to testify as to liability.
17. Emily Chang
Data Management National Protocols
[Address Unknown]
Expected to testify as to liability.
18. Dr. Char
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Anesthesiologist; expected to
testify as to liability.
19. Mona J. Chong
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Administrative Assistant, Office
of Compliance; expected to
testify as to liability.
20. Carrie Cup Choy
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Compliance;

21. Jennifer Colby
c/o Arleen D. Jouxson-Meyers
Rafael G. del Castillo
Jouxson-Meyers & del Castillo
309 California Ave., Ste. 209
Wahiawa, Hawaii 96786
Expected to testify as to liability.
22. Jill Confair
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
23. Lori Conley
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
24. Robert Cooney, M.D.
c/o Ryan Akamine, Esq.
2444 Dole Street
Bachman Hall 110
Honolulu, Hawaii 96822
Associate Director
for Scientific Administration,
Cancer Research Center of
Hawaii; expected to testify as to
liability.
25. Kathleen Correia
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
KH CBO Manager; expected to
testify as to liability.
26. Pamela Courtney, R.N., M.S.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
27. Cindi Coyle, CPC
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
KMS Coding Team; expected to
testify as to liability.

- | | | |
|-----|---|---|
| 28. | Kenneth Dougan, M.D.
c/o Dianne Brookins, Esq.
Alston Hunt Floyd & Ing
American Savings Bank Tower Bishop
Street, Suite 1800 Honolulu, Hawaii
96813 | General Pediatrics and Pediatric
Hematology/ Oncology, Kaiser
Permanente; expected to testify
as to liability. |
| 29. | Roger Drue
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Defendant; expected to testify as
to liability issues. |
| 30. | Kara England, CPC
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | KMS Coding Team; expected to
testify as to liability. |
| 31. | Judy Fadrowsky, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Compliance Manager; expected
to testify as to liability. |
| 32. | Dianne Fochtman, R.N.
c/o Corlis J. Chang, Esq.
Goodsill Anderson Quinn
& Stifel
Alii Place, Suite 1800
1099 Alakea Street
Honolulu, Hawaii 96813 | Former Pediatric Oncology
Nurse; expected to testify as to
liability. |
| 33. | Richard Friedman, M.D.
c/o The Queen's Medical Ctr.
1301 Punchbowl Street
Honolulu, Hawaii 96813 | Former President of KMS;
expected to testify as to liability. |
| 34. | Sarah Fryberger, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Expected to testify as to liability. |

35. Dale Fujimoto
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
36. Alvin Fuse, M.D.
c/o Stanley M. Chow, Esq.
Char Hamilton Campbell & Thom
Pacific Guardian Center
2100 Mauka Tower
737 Bishop Street
Honolulu, Hawaii 96813
Medical Executive Committee;
expected to testify as to liability.
37. Leilynn Gabriel
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
38. Mary Gaughran, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
HemOnc Charge Nurse;
expected to testify as to liability.
39. Debbie Gaynor
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
KMS General Manager;
expected to testify as to liability.
40. J. Russell Geyer, M.D.
Children's Hospital &
Regional Medical Center
4800 Sand Point Way NE
P.O. Box 5371
Seattle, WA 98105-0371
Expected to testify as to liability.

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|-----|---|--|
| 41. | Darryl Glaser, M.D.
c/o Gail Y. Cosgrove, Esq.
Hisaka Yoshida Cosgrove
& Ching
Pacific Guardian Center
737 Bishop Street, Suite 3000
Honolulu, Hawaii 96813 | KMS Employee; expected to
testify as to liability. |
| 42. | Paul Goto
[Address Unknown] | Director, Hawaii Medical
Service Association; expected to
testify as to liability. |
| 43. | Camille Greco
c/o Watanabe Ing & Komeiji
First Hawaiian Center
23rd Floor
999 Bishop Street
Honolulu, Hawaii 96813 | Deloitte & Touche Investigator;
expected to testify as to liability. |
| 44. | Frances A. Hallonquist
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Defendant; expected to testify as
to liability. |
| 45. | Sherrel Hammar, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Defendant and Chairman, KMS
Advisory Committee; expected
to testify as to liability. |
| 46. | Kathleen Hanai-Lee, LSW
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Social Worker; expected to
testify as to liability. |

47. Christine Hara, M.D.
c/o Stanley M. Chow, Esq.
Char Hamilton Campbell & Thom
Pacific Guardian Center
2100 Mauka Tower
737 Bishop Street
Honolulu, Hawaii 96813
Medical Executive Committee;
expected to testify as to liability.
48. Dr. Hattori
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Anesthesiologist; expected to
testify as to liability.
49. Michael Healy, M.D.
1301 Punchbowl Street
Honolulu, Hawaii 96826
Chief of Pediatrics, The Queen's
Medical Center; expected to
testify as to liability.
50. Robert Y. Hee
c/o Gail Y. Cosgrove, Esq.
Hisaka Yoshida Cosgrove
& Ching
Pacific Guardian Center
737 Bishop Street, Suite 3000
Honolulu, Hawaii 96813
Former Vice President of KMS;
expected to testify as to liability.
51. Ericka Hillmer
c/o Watanabe Ing & Komeiji
First Hawaiian Center
23rd Floor
999 Bishop Street
Honolulu, Hawaii 96813
Deloitte & Touche Investigator;
expected to testify as to liability.
52. Patty Hisamoto
Office of Inspector General
Room 5527, Cohen Building
330 Independence Ave., S.W.
Washington, D.C. 20201
Expected to testify as to liability.

53. Ann Ho
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
54. Lynette Honbo, M.D.
State of Hawaii
Department of Human Services
Med-QUEST Division
Medical Standards Branch
601 Kamokila Boulevard
Kapolei, Hawaii 96707
Medical Director; expected to
testify as to liability.
55. Mina Humphreys
c/o Arleen D. Jouxson-Meyers
Rafael G. del Castillo
Jouxson-Meyers & del Castillo
309 California Ave., Ste. 209
Wahiawa, Hawaii 96786
Expected to testify as to liability.
56. Millie Ichinose
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Pediatric OR Charge Nurse;
expected to testify as to liability.
57. Earl Inouye
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
58. Sharon Inouye
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Compliance/Accounting;
expected to testify as to liability.

59. Brian Issel, M.D.
c/o Ryan Akamine, Esq.
2444 Dole Street
Bachman Hall 110
Honolulu, Hawaii 96822
Associate Director for
Clinical Affairs, Cancer
Research Center of Hawaii;
expected to testify as to liability.
60. Robert Jim, M.D.
c/o Stanley M. Chow, Esq.
Char Hamilton Campbell & Thom
Pacific Guardian Center
2100 Mauka Tower
737 Bishop Street
Honolulu, Hawaii 96813
Medical Executive Committee;
expected to testify as to liability.
61. Greg Jones, Esq.
Office of Inspector General
Room 5527, Cohen Building
330 Independence Ave., S.W.
Washington, D.C. 20201
Expected to testify as to liability.
62. Michelle Kakazu
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Financial Planning; expected to
testify as to liability.
63. Lori Kam
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
64. Sandra Kimura
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.

65. Becky Kolb
c/o John S. Nishimoto, Esq.
Ayabe, Chong, Nishimoto,
Sia & Nakamura
2500 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813
Expected to testify as to liability.
66. Carol Kotsubo, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Pediatric Oncology Clinical
Nurse Specialist; expected to
testify as to liability.
67. Wade Kyono, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
KMS Employee; expected to
testify as to liability.
68. Dew-Anne Langcaon
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Former Chief Operating Officer;
expected to testify as to liability.
69. Shigeko O. Lau, M.D.
c/o Straub Clinic & Hospital
888 South King Street
Honolulu, Hawaii 96813
Expected to testify as to liability.
70. Jeri Leong
c/o Thomas R. Sylvester, Esq.
Bendet, Fidell, Sakai & Lee
81 Bishop Street, Suite 1500
Honolulu, Hawaii 96813
Outside Coding Consultant;
expected to testify as to liability.
71. Gail Lerch
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.

72. Peter Locatelli, M.D.
77-6447 Kuakini Highway
Kailua-Kona, Hawaii 96707
Expected to testify as to liability.
73. Donna Lee McCleary, M.D.
c/o Dianne Brookins, Esq.
Alston Hunt Floyd & Ing
American Savings Bank Tower Bishop
Street, Suite 1800 Honolulu, Hawaii
96813
Vice President of Medical
Group, Hawaii Permanente
Medical Group; expected to
testify as to liability.
74. Kathy McGarvey
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
75. Carmen Mallegni
c/o Watanabe Ing & Komeiji
First Hawaiian Center
23rd Floor
999 Bishop Street
Honolulu, Hawaii 96813
Deloitte & Touche Investigator;
expected to testify as to liability.
76. Joane Marshall
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
77. Marsha Marumoto, M.D.
c/o Dianne Brookins, Esq.
Alston Hunt Floyd & Ing
American Savings Bank Tower Bishop
Street, Suite 1800 Honolulu, Hawaii
96813
Chief General Pediatrics and
Pediatric Hematology/
Oncology, Kaiser Permanente;
expected to testify as to liability.
as to liability.
78. Mary Ann Lee Matsui
c/o Arleen D. Jouxson-Meyers
Rafael G. del Castillo
Jouxson-Meyers & del Castillo
309 California Ave., Ste. 209
Wahiawa, Hawaii 96786
Expected to testify as to liability.

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| 79. | Keith Matsumoto, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | KMCWC Chairman, Board of
Directors; expected to testify as
to liability. |
| 80. | Desiree Medeiros, M.D.
c/o Gail Y. Cosgrove, Esq.
Hisaka Yoshida Cosgrove
& Ching
Pacific Guardian Center
737 Bishop Street, Suite 3000
Honolulu, Hawaii 96813 | KMS Employee; expected to
testify as to liability. |
| 81. | Marion Melish, M.D.
c/o John S. Edmunds, Esq.
Edmunds & Verga
2104 Davies Pacific Center
841 Bishop Street
Honolulu, Hawaii 96813 | Expected to testify as to liability. |
| 82. | Tracy Methered
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Clinical Information System
Analyst; expected to testify as to
liability. |
| 83. | John Minor
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Director, Patient Registration;
expected to testify as to liability. |
| 84. | Dr. Miyahara
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Anesthesiologist; expected to
testify as to liability. |

85. Phillip Moon, Esq.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Former KH General Counsel;
expected to testify as to liability.
86. Desiree Ann Mori
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Receptionist; expected to testify
as to liability.
87. Willow Morton
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
88. Linda Nahulu, M.D.
c/o Stanley M. Chow, Esq.
Char Hamilton Campbell & Thom
Pacific Guardian Center
2100 Mauka Tower
737 Bishop Street
Honolulu, Hawaii 96813
Medical Executive Committee;
expected to testify as to liability.
89. Kenneth Nakamura, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Medical Director; expected to
testify as to liability.
90. Cindy Lou Neely
c/o Edward C. Kemper, Esq.
Kemper & Watts
Alakea Corporate Tower
1100 Alakea Street
Suite 2400
Honolulu, Hawaii 96813
Chief Financial Officer,
AlohaCare; expected to testify
as to liability.

91. Lawrence O'Brien
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Former KMCWC Chief
Executive Officer; expected to
testify as to liability.
92. Dee Ann Omatsu, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
93. Sharon On Leng, Esq.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Former KH General Counsel;
expected to testify as to liability.
94. Ginger Osman
UCLA Dept. of Pediatrics
David Geffen School of Medicine at
UCLA
10833 Le Conte Avenue
Los Angeles, California 90095
Executive Director, UCLA;
expected to testify as to liability.
95. Sharon Powlison, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
96. Jean Quigby, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
97. Bob Quillinan
c/o Watanabe Ing & Komeiji
First Hawaiian Center
23rd Floor
999 Bishop Street
Honolulu, Hawaii 96813
Deloitte & Touche Investigator;
expected to testify as to liability.

98. Dale Reimer
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Director Clinical Services;
expected to testify as to liability.
99. Judy Riesen
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
100. Richard Robel
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
KH Compliance Officer;
expected to testify as to liability.
101. Linda Rosen, M.D.
c/o Jill Nagamine, Esq.
Dept. of the Attorney General
45 S. King St., Room 200
Honolulu, Hawaii 96813
Deputy Director for Health
Resources Administration of
Department of Health; expected
to testify as to liability.
102. Raul Rudoy, M.D.
c/o Ryan Akamine, Esq.
2444 Dole Street
Bachman Hall 110
Honolulu, Hawaii 96822
Professor and Chairman, U.H.
School of Medicine,
Department of Pediatrics;
expected to testify as to liability.
103. David Sakamoto, M.D.
c/o Robyn B. Chun, Esq.
Deputy Attorney General
Dept. of the Attorney General
465 S. King Street, Room 200
Honolulu, Hawaii 96813
Administrator, Department of
Health and Human Services
Division; expected to testify as
to liability.
104. Steven S. Sameshima, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.

105. Amy Schearer
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Clinical Information System
Analyst; expected to testify as to
liability.
106. Julie Sestak, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
107. Michael L. Shaw, Esq.
Office of Inspector General
Room 5527, Cohen Building
330 Independence Ave., S.W.
Washington, D.C. 20201
General Counsel; expected to
testify as to liability.
108. Walton Shim, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
KMCWC Chief of Staff;
expected to testify as to liability.
109. Bruce Shiramizu
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
110. Michael Sia, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Chair, Department of Pediatrics;
expected to testify as to liability.
111. Charles A. Sted
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Chief Executive Officer;
expected to testify as to liability.

112. Martha B. Smith
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Chief Operating Officer;
expected to testify as to liability.
113. Jack Sui
(Address Unknown)
Expected to testify as to liability.
114. Don Svendson
c/o Watanabe Ing & Komeiji
First Hawaiian Center
23rd Floor
999 Bishop Street
Honolulu, Hawaii 96813
Deloitte & Touche Investigator;
expected to testify as to liability.
115. Cathy Tamanaha
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Human Resources; Expected to
testify as to liability.
116. Joelle Tanaka
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
117. Jane Thorpe, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
Expected to testify as to liability.
118. Tracie Ann Tjapkes
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813
KMS General Manager;
expected to testify as to liability.

119. Robert Tyson, M.D.
c/o Stanley M. Chow, Esq.
Char Hamilton Campbell & Thom
Pacific Guardian Center
2100 Mauka Tower
737 Bishop Street
Honolulu, Hawaii 96813
Medical Executive Committee;
expected to testify as to liability.
120. James Vagenas
c/o Watanabe Ing & Komeiji
First Hawaiian Center
23rd Floor
999 Bishop Street
Honolulu, Hawaii 96813
Deloitte & Touche Investigator;
expected to testify as to liability.
121. Carl Vogel, M.D.
c/o Ryan Akamine, Esq.
2444 Dole Street
Bachman Hall 110
Honolulu, Hawaii 96822
Administrator, Cancer Research
Center of Hawaii; expected to
testify as to liability.
122. Randy Wada, M.D.
c/o Ryan Akamine, Esq.
2444 Dole Street
Bachman Hall 110
Honolulu, Hawaii 96822
KMS Employee; expected to
testify as to liability.
123. Ken Ward, M.D.
Kapiolani Medical Center
for Women & Children
1319 Punahou Street, #824
Honolulu, Hawaii 96826
Chair, Dept. of OB/GYN
JABSOM; expected to testify as
to liability.
124. Dennis M. Warren, Esq.
c/o John S. Nishimoto, Esq.
Ayabe, Chong, Nishimoto,
Sia & Nakamura
2500 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813
Expected to testify as to liability.

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| 125. | Jaime Wheeler
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Expected to testify as to liability. |
| 126. | Robert Wilkinson, M.D.
c/o Arleen D. Jouxson-Meyers
Rafael G. del Castillo
Jouxson-Meyers & del Castillo
309 California Ave., Ste. 209
Wahiawa, Hawaii 96786 | Former Medical Director of
Hematology/Oncology Division;
expected to testify as to liability. |
| 127. | Neal Winn, M.D.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Defendant and Former Chief
Medical Officer; expected to
testify as to liability. |
| 128. | Dawn Wittke, CPC
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | KMS Coding Team; expected to
testify as to liability. |
| 129. | Carmen Wolf, R.N.
c/o Watanabe Ing & Komeiji
First Hawaiian Center
23rd Floor
999 Bishop Street
Honolulu, Hawaii 96813 | Deloitte & Touche Investigator;
expected to testify as to liability. |
| 130. | Alan Wong
(Address Unknown) | Expected to testify as to liability. |
| 131. | Joyce Wong, R.N.
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Expected to testify as to liability. |

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| 132. | Kelley A. Woodruff, M.D.
c/o Arleen D. Jouxson-Meyers
Rafael G. del Castillo
Jouxson-Meyers & del Castillo
309 California Ave., Ste. 209
Wahiawa, Hawaii 96786 | Plaintiff; expected to testify as to liability. |
| 133. | Brenda Wright
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Mother of Angelica Wright; expected to testify as to liability. |
| 134. | Kathy Yanik
c/o Robbins & Associates
Davies Pacific Center
841 Bishop Street, Suite 2200
Honolulu, Hawaii 96813 | Expected to testify as to liability. |
| 135. | Henry Yim, M.D.
45-710 Kamehameha Highway
Kaneohe, Hawaii 96744 | Expected to testify as to liability. |
| 136. | Susan Young, R.N.
c/o David Simons, Esq.
707 Richards Street, PH1
Honolulu, Hawaii 96813 | Former Director of Pediatrics and Transport; expected to testify as to liability. |
| 137. | Parents/Patients of the PAU, whose identities have yet to be determined | If and as necessary family members of patients to testify re: conflicts among the PAU physicians. |

Defendants reserve the right to call and/or name any and all witnesses named and/or called by plaintiffs in this action, including rebuttal witnesses.

Defendants reserve the right to substitute and add expert and lay witnesses, as necessary and as continuing discovery discloses the need to do so.

10. EXHIBITS, SCHEDULES AND SUMMARIES

Discovery has not progressed to a point where this subject can be adequately addressed.

11. FURTHER DISCOVERY OR MOTIONS

The parties are attempting to agree to a discovery schedule for the remaining deponents in the state action.

It is too early to predict what other motions will be filed. However, it is anticipated that numerous motions in limine will be filed prior to trial. Additionally, a *res judicata* motion will likely be filed pending resolution of the state action.

12. STIPULATIONS

No stipulations have been entered into at this time.

13. AMENDMENTS, DISMISSAL

No amendments to the pleadings are requested at present. The option of dismissal of the action without prejudice has been evaluated by the parties. HPH Defendants remain agreeable to dismissal of this action with Plaintiff's retaining the right to refile subsequent to the conclusion of the state action.

14. SETTLEMENT DISCUSSIONS

There have been no settlement discussions.

15. AGREED STATEMENT

An agreed statement of facts is not presently regarded as either feasible or desirable.

16. BIFURCATION, SEPARATE TRIAL OF ISSUES

Bifurcation or a separate trial of issues is not presently regarded as either feasible or desirable.

17. REFERENCE TO MASTER OR MAGISTRATE

At present, reference of the action to a master or a magistrate does not appear to be either feasible or desirable.

18. APPOINTMENT AND LIMITATION OF EXPERTS

The appointment by the Court of an impartial expert or a limitation on the number of expert witnesses is not presently regarded as either feasible or desirable.

19. TRIAL

Trial is scheduled for October 3, 2006.

20. ESTIMATE OF TRIAL TIME

A trial involving no more than 15 Court days is expected.

21. CLAIMS OF PRIVILEGE OR WORK PRODUCT

At present, no claims of privilege or work product limit Defendants' preparation of this pretrial statement.

22. MISCELLANEOUS

No miscellaneous matters have presently been identified for inclusion in this pretrial statement.

DATED: Honolulu, Hawaii, August 29, 2006.

/s/ Kenneth S. Robbins

KENNETH S. ROBBINS

LEIGHTON M. HARA

WENDY M. YAMAMOTO

Attorneys for Defendants

HAWAII PACIFIC HEALTH,

KAPIOLANI MEDICAL SPECIALISTS

AND KAPIOLANI MEDICAL CENTER

FOR WOMEN AND CHILDREN

Civil No. CV03-00708 SOM-LEK; Hawaii Children's Blood and Cancer Group v. Hawai'i Pacific Health, et al.; DEFENDANTS HAWAII PACIFIC HEALTH, KAPIOLANI MEDICAL SPECIALISTS, AND KAPIOLANI MEDICAL CENTER FOR WOMEN AND CHILDREN'S PRETRIAL STATEMENT